

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Marco Antonio Velez

Case No. 4:04-cr-00093-TLW-1

Order

The Court held a resentencing hearing in this matter on October 21, 2020. At that hearing, the Court resentenced Defendant to a sentence of time served, followed by 18 months of supervised release. He had already been released from custody, so at his request and with the Government's consent, the Court back-dated the start of his supervised release term such that it would begin on July 14, 2020—approximately three months ago.¹

After the hearing, but prior to issuance of the judgment, the Court was informed by the U.S. Probation Office that, because of technological limitations, it does not have the ability to back-date a supervised release term. If neither party objects within 7 days of the date of this order, the Court will account for those three months by reducing his term of supervised release to 15 months, which would commence on October 21, 2020—the date of the resentencing hearing. *See* Fed. R. Crim. P. 35(a) (“Within 14 days after sentencing, the court may correct a sentence that resulted from arithmetical, technical, or other clear error.”); *see also* Fed. R.

¹ That was when the Fourth Circuit issued its mandate and this Court resumed jurisdiction over the case. ECF No. 143.

Crim. P. 43(b)(4) (noting that the defendant need not be present for the correction of a sentence under Rule 35).

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

October 26, 2020
Columbia, South Carolina